

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1833 be amended to read as follows:

- 1 Page 5, line 26, delete "vehicles, all terrain" and insert "**vehicles**".
- 2 Page 5, line 27, delete "vehicles, and truck campers".
- 3 Page 8, line 27, delete "will" and insert "**is**".
- 4 Page 8, line 27, delete "be".
- 5 Page 25, between lines 9 and 10, begin a new paragraph and
- 6 insert:
- 7 "SECTION 7. IC 6-9-34 IS ADDED TO THE INDIANA CODE
- 8 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 9 JANUARY 1, 2004]:
- 10 **Chapter 34. Local Option Animal Control Tax and Fee**
- 11 **Sec. 1. As used in this chapter, "animal control facility"**
- 12 **includes:**
- 13 **(1) an animal control center;**
- 14 **(2) an animal shelter;**
- 15 **(3) a humane society; or**
- 16 **(4) a neutering facility.**
- 17 **Sec. 2. The fiscal body of a county may adopt an ordinance to**
- 18 **impose:**
- 19 **(1) a tax not to exceed five dollars (\$5) per animal per year**
- 20 **for each dog or cat owned, harbored, or kept by a person on**
- 21 **the person's premises, whether the dog or cat is owned by the**
- 22 **person or another person; and**
- 23 **(2) a fee on the owner or keeper of a kennel or other facility**
- 24 **that keeps dogs or cats for breeding, boarding, or training**
- 25 **purposes.**

1 **Sec. 3. The county executive may designate one (1) or more:**

- 2 **(1) licensed veterinarians;**
3 **(2) animal control facilities; or**
4 **(3) other entities;**

5 **in the county to collect the animal control taxes and fees imposed**
6 **under section 2 of this chapter. A designee may retain seventy-five**
7 **cents (\$0.75) from each animal control tax or fee collected as a fee**
8 **for the service. The designee shall remit the balance of the money**
9 **collected to the county treasurer by the tenth day of each month.**

10 **Sec. 4. (a) If the fiscal body of a county elects to impose an**
11 **animal control tax or fee under this chapter, all money derived by**
12 **the county from the tax or fee constitutes a fund known as the**
13 **county animal control fund. The county treasurer shall use the**
14 **fund, as directed by the county executive, to support:**

- 15 **(1) animal control facilities; or**
16 **(2) any other animal control activities;**

17 **in the county. All money in the fund remains in the fund and does**
18 **not revert to any other fund at the close of the fiscal year."**

19 Page 25, line 20, delete "(a)".

20 Page 25, line 21, after "an" insert "**individual**".

21 Page 25, between lines 25 and 26 begin a new line and insert:

22 **"For purposes of this section, a refund claim under IC 6-3-3-9 is**
23 **not considered to be an income tax return."**

24 Page 25, line 40, delete "animal disease research account is
25 established as" and insert "**auditor of state shall distribute revenue**
26 **collected each calendar year under this article to the Purdue**
27 **University School of Agriculture to be used in the manner provided**
28 **in this chapter for the payment of the following:**

29 **(1) Damages, less insurance proceeds, sustained by owners of**
30 **the following stock, fowl, or game killed, maimed, or**
31 **damaged by dogs:**

- 32 **(A) Sheep.**
33 **(B) Cattle.**
34 **(C) Horses.**
35 **(D) Swine.**
36 **(E) Goats.**
37 **(F) Mules.**
38 **(G) Chickens.**
39 **(H) Geese.**
40 **(I) Turkeys.**
41 **(J) Ducks.**
42 **(K) Guineas.**
43 **(L) Tame rabbits.**
44 **(M) Game birds and game animals held in captivity**
45 **under authority of a game breeder's license issued by**
46 **the department of natural resources.**
47 **(N) Bison.**
48 **(O) Farm raised cervidae.**
49 **(P) Ratitae.**

50 **(2) The expense of taking the Pasteur treatment for**
51 **hydrophobia incurred by any person bitten by or exposed to**
52 **a dog known to have hydrophobia.**

1 (b) Any person requiring the treatment described in subsection
2 (a)(2) may select the person's own physician.

3 (c) No damages shall be assessed or paid under this section on
4 sheep except where individual damage exists or is shown.

5 Sec. 3. (a) In order to qualify for payment for damages by the
6 Purdue University School of Agriculture under section 2 of this
7 chapter, the owner of stock, fowl, or game listed in section 2(a)(1)
8 of this chapter killed, maimed, or damaged by dogs shall do the
9 following:

10 (1) Not more than seventy-two (72) hours after the time of
11 the loss, notify one (1) of the following having jurisdiction in
12 the location where the loss occurred:

13 (A) A law enforcement officer.

14 (B) An officer of a county or municipal animal control
15 center, shelter, or similar impounding facility.

16 (2) Within twenty (20) days from the time of the loss, report
17 the loss to the Purdue University School of Agriculture as
18 follows:

19 (A) Under oath, the owner shall state:

20 (i) the number, age, and value of the stock, fowl, or
21 game; and

22 (ii) the damages sustained, less any insurance
23 proceeds.

24 (B) In an affidavit, the owner must be joined by two (2)
25 disinterested and reputable freeholders residing in the
26 township in which the stock, fowl, or game were killed,
27 maimed, or damaged. The affidavit must state that the
28 freeholders are:

29 (i) disinterested; and

30 (ii) not related by blood or marriage to the
31 claimant.

32 (C) No appraisalment may exceed the actual cash value
33 of the stock, fowl, or game. As it applies to ratitae, cash
34 value is no more than the slaughter value.

35 (D) The owner shall provide verification of the loss by
36 an officer under subdivision (1).

37 (E) No loss shall be paid for property owned by a
38 claimant on the last property tax assessment date if the
39 property was not reported by the owner for assessment
40 purposes at that time.

41 (b) An officer who receives notice under subsection (a)(1)
42 shall:

43 (1) visit the scene of the loss;

44 (2) verify the loss in writing; and

45 (3) mark the animal so that the animal can support only one
46 (1) claim under this chapter.

47 Sec. 4. (a) The Purdue University School of Agriculture shall
48 register and pay damages for all losses in the order in which the
49 losses are reported.

50 (b) A person may not receive payment from the Purdue

University School of Agriculture for stock, fowl, or game listed in section 2(a)(1) of this chapter:

- (1) that are killed, maimed, or damaged by any dog or dogs owned or harbored by that person;
- (2) for which the person received from another person an amount equal to the actual damages; or
- (3) for which the owner has not complied with section 3 of this chapter.

(c) When rabies develop in any stock, fowl, or game listed in section 2(a)(1) of this chapter, however contracted, and when the existence of the disease is proven by:

- (1) laboratory diagnosis, made in:
 - (A) the laboratory of the state department of health; or
 - (B) another laboratory maintained by state, county, or municipal funds; or
- (2) affidavit of an attending legally qualified graduate veterinarian;

the owner of the animal with rabies may recover in the same amount and manner as provided in sections 2 and 3 of this chapter.

Sec. 5. The Purdue University School of Agriculture shall distribute money from receipt of tax collections under section 2 of this chapter remaining on December 31 of each year as follows:

- (1) The first one hundred thousand dollars (\$100,000) to the Purdue University School of Veterinary Science and Medicine to be deposited in a fund to be used solely for canine disease research.
- (2) Any amount in excess of the amount referred to in subdivision (1) to a fund to be:
 - (A) jointly administered by:
 - (i) the dean of the Purdue University School of Veterinary Science and Medicine; and
 - (ii) the dean of the Purdue University School of Agriculture; and
 - (B) used solely for:
 - (i) canine research;
 - (ii) canine health; and
 - (iii) education on canine matters.

Sec. 6. All money in a fund referred to in section 5 of this chapter remains in the fund and does not revert to any other fund at the close of the fiscal year.

Sec. 7. The Purdue University School of Agriculture may develop procedures for the administration of claims under this chapter. "

Page 25, delete lines 41 through 42.

Page 26, delete lines 1 through 13.

Page 29, between lines 12 and 13, begin a new paragraph and insert:

"(b) After December 31, 2003, and before July 1, 2004, the Purdue University School of Agriculture shall pay under IC 6-10-4 damages incurred in a township only to the extent that money for

- 1 **payment of the damages is not available from the township dog**
2 **fund under SECTION 17 of this act."**
3 Page 29, line 13, delete "(b)" and insert "(c)".
4 Page 29, line 39, delete "2004" and insert "2003".
5 Page 30, line 7, delete "2004" and insert "2003".
6 Page 30, after line 25, begin a new paragraph and insert:
7 "SECTION 21. [EFFECTIVE JANUARY 1, 2004] (a) **IC 6-10, as**
8 **added by this act, applies to taxable years beginning after**
9 **December 31, 2003.**
10 **(b) This SECTION expires January 1, 2005."**
11 Renumber all SECTIONS consecutively.
 (Reference is to HB 1833 as printed February 20, 2003.)

Representative SAUNDERS